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BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

LAWRENCE M. PROBES, M.D.

Holder of License No. **37720**
For the Practice of Allopathic Medicine
In the State of Arizona.

Case No. MD-10-0731A

**ORDER FOR LETTER OF REPRIMAND
AND CONSENT TO THE SAME**

Lawrence M. Probes, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Order for Letter of Reprimand; admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of License No. 37720 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-10-0731A after receiving notification that Respondent was disciplined by the Medical Board of Michigan (MBM).

4. In July 2004, an anonymous individual contacted Silent Observer, an anonymous tip line in Michigan, alleging that one of the Respondent's patients had been diverting or selling the medication that the Respondent had prescribed to the patient. The MBM initiated an investigation into Respondent's prescribing practices following receipt of the anonymous individual's report. The MBM's investigation revealed recurring patterns in Respondent's practice for multiple patients that included, among other things, the lack of documented vital signs during any patient visits, a lack of physical examinations documented to support the medications Respondent prescribed, and Respondent's

1 prescribing of medication outside the realm of the patients' presenting psychiatric and pain
2 conditions.

3 5. The MBM also found that Respondent prescribed opioid and non-opioid
4 medications in unsafe combinations, Respondent continued to prescribe to patients who
5 showed signs of abusive or drug seeking behavior and for the patients in which
6 Respondent referred for specialty consultation. The MBM also found that Respondent
7 ignored the recommendations from the consultants and continued with his prior
8 prescribing pattern. Additionally, Respondent was found to have failed to order laboratory
9 testing to measure for acetaminophen toxicity or to determine whether the medications
10 were at a therapeutic level for patients. During the course of the investigation, a former
11 patient of Respondent's died of unnatural causes. Respondent reported that the case
12 became the focus of the MBM's investigation, even though the patient's death occurred
13 fifteen months after the patient had been discharged from Respondent's practice.

14 6. On April 21, 2010, Respondent entered into a Consent Order and Stipulation
15 for Probation and Limitation of his MBM license. The MBM Order limited Respondent for a
16 period of one year from obtaining, possessing, prescribing, dispensing or administering
17 any drug that is a schedule II and III controlled substance, unless the controlled substance
18 is prescribed or dispensed by a licensed physician for Respondent, as a patient.
19 Respondent has been compliant with his MBM Order and has no other disciplinary action
20 against his Michigan or Arizona medical licenses.

21 CONCLUSIONS OF LAW

22 1. The Board possesses jurisdiction over the subject matter hereof and over
23 Respondent.

24 2. The conduct and circumstances described above constitutes unprofessional
25 conduct pursuant to A.R.S. §32-1401(27)(o)("[a]ction that is taken against a doctor of

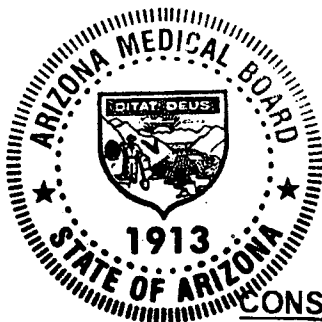
1 medicine by another licensing or regulatory jurisdiction due to that doctor's mental or
2 physical inability to engage safely in the practice of medicine, the doctor's medical
3 incompetence or for unprofessional conduct as defined by that jurisdiction and that
4 corresponds directly or indirectly to an act of unprofessional conduct prescribed by this
5 paragraph. The action taken may include refusing, denying, revoking or suspending a
6 license by that jurisdiction or a surrendering of a license to that jurisdiction, otherwise
7 limiting, restricting or monitoring a licensee by that jurisdiction or placing a licensee on
8 probation by that jurisdiction").

9 **ORDER**

10 IT IS HEREBY ORDERED THAT Respondent is issued a Letter of Reprimand.

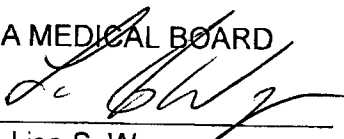
11
12 DATED AND EFFECTIVE this 5th day of October, 2010.

13
14
15 (SEAL)



16 ARIZONA MEDICAL BOARD

17 By


18 Lisa S. Wynn
19 Executive Director

20 **CONSENT TO ENTRY OF ORDER**

21 1. Respondent has read and understands this Consent Agreement and the
22 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent
23 acknowledges he has the right to consult with legal counsel regarding this matter.

24 2. Respondent acknowledges and agrees that this Order is entered into freely
25 and voluntarily and that no promise was made or coercion used to induce such entry.

1 3. By consenting to this Order, Respondent voluntarily relinquishes any rights
2 to a hearing or judicial review in state or federal court to challenge this Order in its entirety
3 as issued, and waives any other cause of action related thereto or arising from said
4 Order.

5 4. The Order is not effective until approved and signed by the Executive
6 Director.

7 5. All admissions made by Respondent are solely for final disposition of this
8 matter and any subsequent related administrative proceedings or civil litigation involving
9 the Board and Respondent. Therefore, said admissions by Respondent are not intended
10 or made for any other use, such as in the context of another state or federal government
11 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
12 any other state or federal court.

13 6. Upon signing this Order, and returning this document (or a copy thereof) to
14 the Board's Executive Director, Respondent may not revoke the consent to the entry of
15 the Order. Respondent may not make any modifications to the document. Any
16 modifications to this original document are ineffective and void unless mutually approved
17 by the parties.

18 7. This Order is a public record that will be publicly disseminated as a formal
19 action of the Board and will be reported to the National Practitioner's Data Bank and on
20 the Board's web site.

21 8. If any part of the Order is later declared void or otherwise unenforceable,
22 the remainder of the Order in its entirety shall remain in force and effect.

23 9. If the Board does not adopt this Order, Respondent will not assert as a
24 defense that the Board's consideration of the Order constitutes bias, prejudice,
25 prejudgment or other similar defense.

1 10. Any violation of this Order constitutes unprofessional conduct and may
2 result in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order,
3 probation, consent agreement or stipulation issued or entered into by the board or its
4 executive director under this chapter") and 32-1451.

5 Lawrence M. Probers, M.D. DATED: Sept. 10, 2010
6 LAWRENCE M. PROBES, M.D.

7
8 EXECUTED COPY of the foregoing mailed
9 this 15th day of October, 2010 to:

10 Lawrence M. Probers, MD
11 ADDRESS OF RECORD

12 ORIGINAL of the foregoing filed
13 this 15th day of October 2010 with:

14 Arizona Medical Board
15 9545 E. Doubletree Ranch Road
16 Scottsdale, AZ 85258

17 Chris Brown
18 Arizona Medical Board Staff
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